IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 6TH JUNE 2007 / 16TH JYAISHTA 1929

WP(C).No. 4020 of 2005(C)

PETITIONER:

*** A.K.THANKAPPAN, S/O.LATE AYYAPPAN,**
AGED 48 YEARS, TELECOM MECHANIC,
BSNL, OFFICE OF SDE PHONES (EXTERNAL),
MUVATTUPUZHA, RESIDING AT 19/669 QUARTERS,
TELECOM, BSNL, PATTAL, IRINGOL P.O.,
PERUMBAVOOR.

*** THE INITIAL OF THE PETITIONER – 'A.K.THANKAPPAN' IS CORRECTED AS 'K.A.THANKAPPAN' AS PER ORDER DATED 07/07/2005 IN IA NO. 8992/2005.**

BY ADV. SMT.M.P.MARY

RESPONDENTS:
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1. THE CHIEF GENERAL MANAGER,
TELECOM, BSNL, KERALA CIRCLE,
THIRUVANANTHAPURAM-33.

2. THE PRINCIPAL GENERAL MANAGER,
BSNL, ERNAKULAM SSA,
ERNAKULAM, KOCHI-682 018.

3. THE DIVISIONAL ENGINEER,
BSNL, TELECOM, PERUMBAVOOR P.O.,
683 541.

4. THE SUB DIVISIONAL ENGINEER (INDOOR),
BSNL, TELEPHONE EXCHANGE, PERUMBAVOOR.
683 541.

BY ADV. SRI.K.KESAVANKUTTY, SC, BSNL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 4020/2005 C

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE ORDER NO. DET. PPR/STAFF/QRTS/99-2000/85 DT. 1/3/00 BY THE DIVISIONAL ENGINEER, TELECOM, PERUMBAVOOR.

EXT.P2. COPY OF THE RELIEVING ORDER DT. 29/11/03 BY THE SUB DIVISIONAL OFFICER, TELECOM, PERUMBAVOOR.

EXT.P3. COPY OF THE REPRESENTATION DT. 2/12/2003 MADE BEFORE THE R2.

EXT.P4. COPY OF THE REPRESENTATION DT. 15/3/2004 BEFORE THE R2 REQUESTING.

EXT.P5. COPY OF THE LETTER NO. G.17/04-05/02 DDT. 20/4/2004 BY SDE (INDOOR) TELECOM EXCHANGE.

EXT.P6. COPY OF THE RENEWAL APPLICATION DT. 11/5/2004 FOR RETAINING THE QUARTER TO R2.

EXT.P7. COPY OF THE REPRESENTATION DT. 30/5/04 BEFORE THE AREA MANAGER.

EXT.P8. COPY OF THE LETTER NO. B11/155/2003-04/59 DT. 5/08/2004 BY ON BEHALF OF THE R2.

EXT.P9. COPY OF THE NOTICE DT. 17/08/2004 BY THE SDE PBR.

EXT.P10. COPY OF THE AN APPEAL DT. 27/8/2004 BY THE PETITIONER BEFORE THE R1.

EXT.P11. COPY OF THE PAY SLIP FURTHER APPOINTING OF NOVERMBER ISSUED BY THE ACCOUNTS OFFICER.

EXT.P11B. COPY OF THE PAY SLIP FURTHER APPOINTING OF DECEMBER 2004 BY THE ACCOUNTS OFFICER.

EXT.P12. COPY OF THE MEDICAL CERTIFICATE DT. 2/7/06.

EXT.P13. COPY OF THE MEDICAL CERTIFICATE DT. 4/6/92.

EXT.P14. COPY OF THE MEDICAL PRESCRIPTIONS DT. 6/7/92.

EXT.P15. COPY OF THE NORMS RELATING TO GENERAL POOL ACCOMMODATION.

EXT.P16. COPY OF THE PETITIONER'S APPLICATION DT. 10/07/06.

EXT.P17. COPY OF THE REPRESENTATION DT. 3/5/06 BY THE PETITIONER BEFORE THE DIVISIONAL ENGINEER, MUVATTUPUZHA.

EXT.P18. COPY OF THE STATEMENT OF SRI. JEEVANKUMAR DT. 15/6/05.

EXT.P19. COPY OF THE STATEMENT OF BENJAMIN DT. 15/6/05.

EXT.P20. COPY OF THE ORIGINAL AFFIDAVIT OF GEORGE DT. 18/07/06.

EXT.P21. COPY OF THE DISCHARGE CARD OF PETITIONER'S SON FROM GENERAL HOSPITAL KOTHAMANGALAM.

EXT.P22. COPY OF THE WOULD CERTIFICATE OF HIS SON FROM THE SAID HOSPITAL.

EXT.R23. COPY OF THE COMPLAINT AND PROCEEDINGS ON IT IN C.P. NO. 69/03 WITH STATEMENT OF THE COMPLAINT AND WITNESNESS. PENDING BEFORE THE JFCM COURT, PERUMBAVOOR.

RESPONDENT'S EXHIBITS

EXT.R1. COPY OF THE REGISTERED LETTER DT. 26/3/04 SENT BY THE R4 TO THE PETITIONER.

EXT.R2. COPY OF THE LETTER DT. 20/04/04 BY THE R4 TO THE PETITIONER.

EXT.R3. COPY OF THE ACQUAINTANCE LETTER DT. 30/04/04 BY THE SUB DIVISIONAL ENGINEER, PHONES (EXTERNAL).

EXT.R4. COPY OF THE LETTER DT. 17/08/04 BY THE R4 TO THE SUB DIVISIONAL ENGINEER, PHONE (EXTERNAL) MUVATTUPUZHA.

EXT.R5. COPY OF THE LETTER DT. 17/09/04 BY R3 TO THE R4.

EXT.R6. COPY OF THE LETTER DT. 09/11/04 BY R4 TO THE ACCOUNTS OFFICER (P&A) O. ESTT).

EXT.R7. COPY OF THE INVESTIGATION REPORT DT. 28/10/03 BY THE DIVISIONAL ENGINEER, VIGILANCE, ERNAKULAM BEFORE THE R2.

EXT.R8. COPY OF THE MEMO FROM SDET PERUMBAVOOR ADDRESSED TO THE PETITIONER.

EXT.R9. COPY OF THE DET PBR LETTER DT. 17/09/04 TO SDE INTL) PERUMBAVOOR.

EXT.R10A. COPY OF THE REGD. LR. DT. 26/3/04 BY R4 IN FAVOUR OF THE PETITIONER.

EXT.R10B. COPY OF THE ENVELOP CONTAINING EXT. R10A SENT BY R4 IN FAVOUR OF THE PETITIONER.

EXT.R11. COPY OF THE LETTER DT. 20/04/04 BY SDE (INDOOR) PBR TO SDE (EXTL) MUVATTUPUZHA.

EXT.R12. COPY OF THE LETTER DT. 2/3/05 FROM DIVISIONAL ENGINEER PHONES MPZ AND TO DET PERUMBAVOOR.

EXT.R13. COPY OF THE LETTER DT. 26/2/2005 FROM THE SDE EXTL. MPZ ADD TO SDE LEGAL ERNAKULAM.

EXT.R14. COPY OF THE LR. DT. 29/1/05 OF THE ACCOUNTS OFFICER (ESTT) SENT IN FAVOUR OF SUB DIVISIONAL OFFICER, TELEGRAPH MUVATTUPUZHA.

EXT.R15. COPY OF THE SANCTION LETTER DT.26/4/06 OF THE DIVISIONAL ENGINEER, PHONES, MUVATTUPUZHA WITH COPY TO A.M MUVATTUPUZHA AND DET, PERUMBAVOOR.

EXT.R16. COPY OF THE LETTER DT. 2/5/06 GIVEN BY THE PETITIONER TO THE SUB DIVISIONAL ENGINEER, OCB, MTCE, MUVATTUPUZHA.

EXT.R17. COPY OF THE LETTER DT. 22/5/06 OF THE SUB DIVISIONAL ENGINEER, TECHNICAL (DET) PERUMBAVOOR.

EXT.R18. COPY OF THE LETTER DT. 23/05/2006 OF THE DIVISIONAL ENGINEER, PERUMBAVOOR TO THE SUB DIVISIONAL ENGINEER (LEGAL) O/O. PRINCIPAL GENERAL MANAGER, ERNAKULAM.

EXT.R19. COPY OF THE LETTER DT. 21/07/2006 OF THE DIVISIONAL ENGINEER, PHONES, MUVATTUPUZHA SENT TO THE PETITIONER UNDER REGISTERED POST WITH ACKNOWLEDGEMENT DUE.

EXT.R20. COPY OF THE POSTAL ACKNOWLEDGEMENT DT. 31/07/2006 OF THE PETITIONER.

True copy

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K.BALAKRISHNAN NAIR, J.

W.P.(C) No. 4020 of 2005-C

Dated this the 6th day of June, 2007.

J U D G M E N T

In view of the interim orders passed by this Court on 28-3-2006 and on 10-7-2006, no further orders are required in this writ petition. Those orders are made absolute. The petitioner can occupy the quarters at Muvattupuzha and he shall vacate the quarters at Perumbavoor.

The Writ Petition is disposed of as above.

K.BALAKRISHNAN NAIR,
JUDGE.

MS